

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Saw Mills- M/s Sri Venkateswara Saw Mill & Depot. Harkapuri Colony, Utnoor, Adilabad District-Appeal for renewal of license - Allowed- Orders-Issued.

ENVIRONMENT, FORESTS, SCIENCE & TECHNOLOGY (FOR.III) DEPARTMENT

G.O.R.t.No. 231

Dated: 05 .05.2009

Read the following:-

- 1.G.O.Rt.No.176,EFS&T (For.III) Dept., Dt.24.6.2004.
2. Order of High Court of Andhra Pradesh, W.P.No.12012/ 2007 in WPMP No.20598/2007, Dt.24.6.2008.
3. Repn.from M/s Sri Venkateswara Saw Mill & Depot. Harkapuri Colony, Utnoor, Adilabad District, Dt.3.3.2009.
4. Notice from M. Dhananjay Reddy, Advocate, Hyderabad, Dt.03.03.2009.
5. Govt.Memo.No.5621/For.III/2007,Dt.18.03.2009.
6. From the Prl.CCF,AP,Hyd Lr.No.50415/03/V3,Dt.26.3.2009.

ORDER:-

The Principal Chief Conservator of Forests, Andhra Pradesh, Hyderabad has reported that Sri S.K. Dharmapuri has purchased Gangaram Sawmill situated in Sy. No. 602/B, Utnoor Gram Panchayat i.e., located within 5 km of Forest Boundary for which the Divisional Forest Officer, Adilabad renewed the license in favour of the petitioner in the style of Sri Venkateswara Sawmill & Timber Depot and also permitted to shift the sawmill to Sy. No. 217/B, Harkapur, Utnoor, in violation of Rule 3 (2) and Rule 5 (2) of A.P., Saw Mill (Regulations) Rules, 1969, Subsequently, the Divisional Forest Officer has revoked the sawmill license through his proceedings No. 875/02/S3, Dt. 22.11.03.

2. Aggrieved by the action of the Divisional Forest Officer, Sri S.K. Dharmapuri has filed W.P.No. 25865/03 in the High Court of Andhra Pradesh. The High Court of AP while disposing the W.P. set aside the proceedings of the Divisional Forest Officer and directed to issue notice to the petitioner and pass appropriate orders after considering the explanation that may be submitted by the petitioner. Accordingly, the Divisional Forest Officer, Adilabad after examining the representation of the petitioner, rejected the representation and also cancelled the license of the saw mill.

3. Subsequently, Sri. S.K.Dharmapuri, Owner of Sri Venkateswara Saw Mill & Depot has filed a revision petition before the Govt., requesting for renewal of the saw mill license Government while allowing the revision petition ordered renewal of the license of the saw mill for a period of 3 years i.e., up to 31.12.2006 since he has paid the requisite fee for 3 years, and also directed the petitioner to move out the saw mill beyond the statutory 5 KMs radial distance by the end of the license period i.e., 31.12.2006. After expiry of the license period, the petitioner has again approached the Govt. with a request to renew the license of the saw mill and the request was rejected by the Government.

4. Aggrieved by this, he has approached the Hon'ble High Court of A.P. through W.P.No.12012/2007. The Hon'ble High Court of A.P. while setting

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aside the orders issued in G.O.Rt.No.176, EFS&T(For.III) Dept., Dated 24.6.2004 and memo No.550/For.III/07,Dt.3.5.2007 remitted the matter back to the Government for consideration afresh. The Hon'ble High Court also observed that the petitioner shall be provided a specific opportunity by putting him on a clear notice of the case against him by the respondents before passing any order against him.

5. Accordingly, a notice was issued to Sri S.K.Dharmapuri, Owner of Sri Venkateswara Saw Mill & Depot. The petitioner in his reply has requested for renewal of the license of the saw mill as per the direction of the Hon'ble Court of A.P. He has further submitted that both the new and old location of his saw mill are within 5 kms from the boundary of the reserve forest and on the permission given by the DFO after shifting the saw mill to new premises, he had invested huge amounts for construction of the saw mill premises and that the condition to shift the saw mill beyond 5 KM from the boundary of the forest is unreasonable and that every location within (65) km is falling within a distance of 5 km from the boundary of the reserve forest.

6. Government after careful examination and keeping in view of the orders of the High Court of A.P in the reference 2nd read above, have decided to renew the license of M/s Sri Venkateswara Saw Mill & Depot. Accordingly, Government direct that the license of Sri S.K.Dharmapuri, Owner of Sri Venkateswara Saw Mill & Depot. Harkapuri Colony, Utnoor, Adilabad District be renewed in the existing location without any condition.

7. The Principal Chief Conservator of Forests, Andhra Pradesh, Hyderabad is requested to take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

K.D.R JAYAKUMAR
SPECIAL SECRETARY TO GOVERNMENT

To
The Principal Chief Conservator of Forests,
Andhra Pradesh, Hyderabad.

Copy to:
M/s Sri Venkateswara Saw Mill & Depot.
Harkapuri Colony, Utnoor, Adilabad District

//FORWARDED:: BY ORDER//

SECTION OFFICER